

**MINUTES OF A REGULAR MEETING OF THE
RESOURCE CONSERVATION COMMISSION**

October 20, 2003

Ken Lee Building Conference Room
430 "F" Street

MEETING CALLED TO ORDER by Chair Teresa Thomas at 5:00 p.m.

ROLL CALL/MOTION TO EXCUSE

MSC (Reid/Chávez) to excuse Commissioner Bensoussan. **Vote:** (5-0)

MEMBERS PRESENT: Chair Teresa Thomas, Vice-Chair Doug Reid, Commissioners Stanley Jasek, John Chávez, Juan Diaz and Pamela Bensoussan (5:10)

STAFF PRESENT: Marilyn Pongeggi, Environmental Review Coordinator
Benjamin Guerrero, Environmental Projects Manager
Mary Ladiana, Planning & Housing Manager
Patricia Beard, Sr. Community Development Specialist
Alex Al-Agha, Deputy Director of Engineering
Dave Kaplan, Transportation Engineer
Perla Selner, Recording Secretary

GUESTS PRESENT: Fred Borst, Borst Trust
Josie Gabriel, P&D Consultants
Ted Griswold, PCHS

ORAL COMMUNICATIONS: None.

NEW BUSINESS

1. IS-02-010 – Chula Vista Auto Park East Specific Plan, 650 Main Street

Mr. Benjamin Guerrero (*Environmental Projects Manager*) reported that the Auto Park expansion project is located on 31.2 acres on the south side of Main Street. The Auto Park East Specific Plan is proposed for the expansion of the existing Auto Park. The purpose of the Specific Plan is to ensure the orderly development of the project site and implementation of existing policies of the General Plan and the Otay Valley Redevelopment Project Area. Mr. Guerrero described the proposed subdivision and development of an Auto Center. The Initial Study conducted by the City of Chula Vista determined that the proposed project would have a potential significant environmental effect on the following environmental resources:

- Air Quality
- Biological Resources
- Hazards and Hazardous Materials
- Cultural Resources
- Geology/Soils
- Hydrology and Water Quality
- Noise
- Transportation/Circulation

Mr. Guerrero explained how the above significant environmental impacts would be mitigated.

Commission Comments

Chair Thomas requested the record show Commissioner Bensoussan arrived at 5:10 p.m.

Vice-Chair Reid asked about the 31-foot high portion of the keystone wall and where it was located. Mr. Guerrero indicated that the wall would be along the west/southwest side of the project site and would vary from 18 to 25 feet in height.

Vice-Chair Reid noted that Figure 6 delineated the biological resources and the development area and asked if the undeveloped portion will be dedicated as part of the Regional Park. Ms. Patricia Beard (*Sr. Community Development Specialist*) indicated that the entire portion of the property outside of the development footprint would be dedicated to the Regional Park.

Vice Chair Reid referred to page 33 under 'Other Issues', second paragraph: "The proposed project is not located downstream from a dam..." and stated that is not correct.

Commissioner Chávez referred to page 40, 'Buildout Traffic Conditions', first paragraph: "It was assumed that the Main Street/I-805 southbound ramp would be improved..." and stated that, if LOS 'E' is recognized as a significant impact, something more than an assumption is needed. Mr. Dave Kaplan (*Transportation Engineer*) indicated that the southbound left turn lane on the ramp is in the City's Transportation Development Impact Fee (TDIF) Program, therefore, there is money being set aside for those improvements.

Commissioner Chávez stated that there is nothing indicating there is a commitment for mitigation. Ms. Pongeggi (*Environmental Review Coordinator*) stated that it is a significant cumulative impact, and the TDIF Program is what mitigates it. The Applicant, through their Otay Valley Road Regional Assessment, is required to pay their fair share into the TDIF fund. The TDIF formulation approved by the Council has been determined to be the appropriate fair share.

Commissioner Chávez commented that, even though the Council has determined that the contribution represents the mitigation, the problem would still exist until the improvement is made. Ms. Pongeggi indicated that the cumulative impact is in the future. This is the same mitigation as for other projects along Main Street. This is typical of the mitigation measures that are imposed throughout the City through the TDIF Program. The GMOC monitoring that is done every year to determine if a traffic threshold is close to being reached is what triggers the implementation of an improvement. The Council has enacted a TDIF Program that is based upon fair share contributions by developers. They are obligated to pay that fee either through the payment of TDIF at the time of building permit issuance or through the Otay Valley Road Regional Assessment, which this property is also obligated to. The formula and the way that the determination is made for the TDIF is based on the improvements that need to go in and the impacts that are associated with it. As far as the timing of improvements, that is determined through the GMOC process.

MS (Chávez/Diaz) that the Mitigated Negative Declaration, as written, lacks a clear commitment for mitigation of the significant traffic impact at the Main Street/I-805 southbound ramp.

Discussion

Vice-Chair Reid noted that on page 51 and 52, the mitigation to solve the problems are related to direct project impacts #1-6, and cumulative impact #7, which is the funding of the overall City-wide scheme.

Commissioner Chávez reiterated that there is no commitment on anybody's part to mitigate that specific problem. Ms. Ponseggi stated that the TDIF Program for the City of Chula Vista is guaranteed through TDIF funds that are paid to the City of Chula Vista through building permits. That money can be used for nothing else other than specified road improvements, and there is a schedule through the CIP process. When an improvement is in the TDIF Program, it is guaranteed to be installed by the time it is necessary. The TDIF Program provides for the funding of these improvements up front so that the improvements can be built. For a cumulative impact, the developer of this project would not be required to build the entire improvement. They are only responsible for a portion, their fair share, of the cost.

Commissioner Chávez stated that he would like that language to be included in the report.

Motion restated with consensus of the second:

MSC (Chávez/Diaz) that the Mitigated Negative Declaration, as written, lacks commitment to mitigate cumulative impacts associated with level of service 'E' at the Main Street/I-805 southbound ramp. **Vote:** (5-1-0-0) with Reid opposed.

Vice-Chair Reid stated that ever since the TDIF Program was established, cumulative impacts have been dealt with in this manner or very similar to it. Unless the RCC is going to recommend a change in the overall policy, he did not think the RCC should impose that change on this particular project.

Commissioner Jasek asked if the level of occupancy could be identified at this point. Ms. Beard stated that there is no definite, confirmed purchaser or purchasers.

Chair Thomas was concerned about the portion of the project that is very close to the Otay River. She recommended the following: 1) a storm drainage and auto waste management plan for the project be in place before it is constructed, 2) a solid waste management plan and adequate follow-through, and 3) that no gas station be permitted at that location. The boundary for the project goes right up to the MSCP line. There needs to be more of a buffer because of the edge effects. Ms. Ponseggi indicated that there is a fence, and that adjacent to the fence is a very large area that is part of this property that the owners are dedicating to the Otay Valley Regional Park as part of their MSCP commitment, therefore, the buffer is already built into the project.

Chair Thomas asked that a City staff biologist look at the buffer zone. Ms. Ponseggi stated that a professional biologist from P&D Technologies, the firm that prepared this document under contract to the City, reviewed the proposed buffer. Mr. Alex Al-Agha (*Deputy Director of Engineering*) explained the urban runoff/water quality mitigation measures.

MS (Thomas/Diaz) that the RCC determine that the Initial Study is adequate and the Mitigated Negative Declaration be adopted with the addition of the following recommendations:

1. Require the preparation of a Solid Waste Management Plan.
2. Require the preparation of a storm drain and auto waste management plan.
3. That a biologist re-look at the buffer between the MSCP Preserve habitat areas and the project boundaries to determine if there would be impacts to habitat.
4. No gas station shall be included within the project. If the gas station is included, it shall not have diesel fuel or gasoline with additives such as MTBE.

Vice-Chair Reid recommended taking separate votes. Chair Thomas agreed.

MS (Thomas/Reid) to recommend that the preparation of a Solid Waste Management Plan be required.

Ms. Mary Ladiana (*Planning & Housing Manager*) stated that the project is required to have a Solid Waste Management Plan.

Motion withdrawn.

Chair Thomas also withdrew her motion to require the preparation of a storm drain and auto waste management plan, as it is required for the project.

Chair Thomas withdrew her motion that a biologist re-look at the buffer zone between the project and MSCP Preserve as it has been determined not to be significant because of the mitigation measures that are included in the Mitigated Negative Declaration.

Chair Thomas wanted to make a motion regarding the gas station and types of fuel allowed. Ms. Ponseggi explained that, as far as making a recommendation on the land uses, Chair Thomas could make that part of her motion. As far as prohibiting a particular kind of fuel, that is beyond the City's jurisdiction since it is regulated by the State of California.

MS (Thomas/Diaz) that no gas station be permitted in the project. **Vote failed:** (3-3-0-0) with Reid, Jasek and Chávez opposed.

Commissioner Jasek would much rather see a state-of-the-art gas station developed to replace the gas station that is in close proximity that is probably not as sanitary as a new station would be.

Commissioner Chávez stated that he did not know if it would be appropriate to restrict this use and that, if you force people to drive longer distances, then you are creating more traffic, which is creating more auto emissions.

Vice-Chair Reid echoed Commissioner Chávez.

MSC (Chávez/Jasek) that the RCC determine that the Initial Study is adequate and the Mitigated Negative Declaration be adopted. **Vote:** (6-0-0-0)

ENVIRONMENTAL REVIEW COORDINATOR COMMENTS: Ms. Pongeggi handed out applications for the AEP Fall Workshop and requested that any Commissioner who wishes to attend mail or fax their application to her.

CHAIR COMMENTS: None.

COMMISSIONER COMMENTS

Commissioner Chávez requested considering a Bayfront development workshop. Ms. Pongeggi indicated that there is not a current development application that has been submitted to the City. She stated that the Community Development Director has made a commitment to the RCC that, as soon as an application is formally submitted, she and her staff would conduct a RCC workshop on this project.

Commissioner Chávez stated that he would like an update as to what the issues are. Ms. Pongeggi stated that she would go back and ask the Director once again if she can provide an update to the RCC.

Commissioner Chávez asked Ms. Pongeggi to let the Director know that one Commissioner did not think that was a satisfactory answer. Ms. Pongeggi stated that she would be happy to do so.

Commissioner Bensoussan requested that the RCC get a presentation of the Historic Preservation Strategic Plan as soon as possible.

ADJOURNMENT: Chair Thomas adjourned the meeting at 7:00 p.m. to a regular meeting on Monday, November 3, 2003, at 6:00 p.m. in the Ken Lee Building Conference Room, 430 "F" Street, Chula Vista, CA 91910.

Prepared by:

Linda Bond
Recording Secretary